

## NINETEENTH DAY

(Thursday, November 8, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Holekamp.
Aikin.	Holland.
Alexander.	Holloway.
Alsup.	Hoskins.
Anderson.,	Huddleston.
Atchison.	Hughes.
Baker.	Hunt.
Barrett.	Hunter.
Barron.	Hyder.
Beck.	Jackson.
Bedford.	James.
Bergman.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Burns.	Jones of Atascosa.
Butler.	Jones of Runnels.
Calvert.	Jones of Shelby.
Camp.	Kayton.
Canon.	Kyle of Hays.
Cathey.	Kyle of Palo Pinto.
Caven.	Laird.
Celaya.	Lange.
Chastain.	Latham.
Clayton.	Lemens.
Colson.	Leonard.
Coombes.	Lindsey.
Cowley.	Long.
Crossley.	Lotief.
Daniel.	Mackay.
Davidson.	Magee.
Dean.	Mathis.
Devall.	McCullough.
Dunlap.	McGregor.
Dunagan.	McKee.
Duvall.	Merritt.
Dwyer.	Metcalf.
Engelhard.	Mitcham.
Fain.	Moffett.
Fisher.	Moore.
Ford.	Morrison.
Fuchs.	Morse.
Glass.	Munson.
Golson.	Nicholson.
Good.	Palmer.
Goodman.	Parkhouse.
Graves.	Patterson.
Greathouse.	Pavlica.
Griffith.	Pope.
Hankamer.	Puryear.
Harman.	Ratliff.
Harris.	Ray.
Harrison.	Reader.
Hartzog.	Reed of Bowie.
Head.	Reed of Dallas.
Hicks.	Renfro.
Hill.	Riddle.
Hodges.	Roark.

Roberts.	Tarwater.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Savage.	Turlington.
Scarborough.	Van Zandt.
Scott.	Vaughan.
Shannon.	Wagstaff.
Shults.	Walker.
Smith.	Weinert.
Stanfield.	Wells.
Steward.	Winningham.
Stinson.	Wood.
Stovall.	Young.
Stubbeman.	

## Absent

Ramsey.

## Absent—Excused

Adamson,	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence:

Mr. McDougald for today, on account of important business, on motion of Mr. Hankamer.

Mr. Russell was granted leave of absence for today, on account of a death in his family, on motion of Mr. Roark.

## INVITING THE HON. MILTON WEST TO ADDRESS THE HOUSE

Mr. Morse offered the following resolution:

Whereas, The Honorable Milton West, Member of Congress from the Fifteenth Congressional District of Texas and former Member of the Texas House of Representatives, is now on the floor of the House; now, therefore, be it

Resolved, That he be invited to the Speaker's stand to address the House.

MORSE,  
CELAYA,  
DUNLAP,  
DWYER,  
LEONARD,  
LANGE,  
POPE.

The resolution was read second time, and was adopted.

# REQUESTING THE APPOINTMENT OF CERTAIN COMMITTEE

Mr. McGregor offered the following resolution:

Whereas, The individual Members of the Legislature, since the creation of the Board of Control, have lost touch with, if not interest in, the various educational, eleemosynary, penal and other State institutions; and

Whereas, Such apparent lack of interest in such institutions is caused by a lack of knowledge on the part of such Members of the necessity for and the needs and operation of such institutions and a disposition on their part to leave the control and management of such institutions entirely in the hands of the Board of Control, and to place the responsibility of such management and control entirely upon the Board of Control; and

Whereas, It is important that the "human touch" between the Members of the Legislature and such institutions should at all times be preserved; therefore, be it

Resolved, That it is the sense of this House that proper committees be appointed upon the convening of the Forty-fourth Legislature, whose duty it shall be to personally visit and inspect and report to the House the needs, conditions and requirements of such institutions, to the end that the same may be available to the Forty-fourth Legislature.

McGREGOR,  
MORSE.

The resolution was read second time, and was adopted.

## CONCERNING OLD-AGE PENSION

Mr. Dwyer offered the following resolution:

H. C. R. No. 9, Requesting Members of Congress to support program in regard to old-age pension.

Whereas, The Congress of the United States meeting in January, 1935, will be confronted with some of the most serious problems that have ever disturbed the country, including the question of making permanent the National Industrial Recovery Act and other similar legislation either in form as submitted by the Administration or subject to the

program that may be formulated by the Congress; and

Whereas, A part of the general program that will be considered by said Congress, embracing attempts to protect the consumer on the basis of a present underconsumption rather than on the basis favored by vested interests, namely, overproduction, although there is starvation experienced as never before in America; undertaking to divorce monopolistic privileges that some of the most favored and wealthy interests of America are enjoying, from the legitimate purpose of the program of the National Recovery Administration which is the increase of employment and buying power for the great masses of our people; and trying to avoid the loss of foreign markets for American trade and other dangers that impoverish the people and disturb international relations; will include a fundamental proposal commonly known as old-age pensions; and

Whereas, The provision for such old-age pensions is of great importance not only because of the fact that many of the aged citizens of America are especially destitute during these times but also because the historical developments in America now prevent the underprivileged from securing free land in the West through which they might provide for old age; and

Whereas, It is generally recognized that the vast majority of our people never are able to provide the necessities of life, much less the comforts and security for old age, because of having the burden of competing for work under conditions described as the result of the so-called iron law of wages; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Senators and Congressmen from the State of Texas be, and hereby are, requested to support a program for old-age pension that will give the greatest relief to our people with the least burden to them and without encroaching on their rights as citizens; and be it further

Resolved, That copies of this resolution be sent to the Senators and Congressmen representing the State of Texas in the Congress of the United States of America.

The resolution was read second time.

On motion of Mr. Van Zandt, the resolution was referred to the Committee on State Affairs.

### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, November 8, 1934.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 4, A bill to be entitled  
"An Act making appropriations for the establishment, maintenance and operation of the Texas Centennial for the period beginning November 1, 1934, and ending April 30, 1937, and for kindred or allied purposes; etc., and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

### TO SUSPEND CERTAIN HOUSE RULE

Mr. Savage offered the following resolution:

Whereas, The Constitution of the State of Texas was amended by vote of the people, granting authority for appropriations to be made in the aid of the Texas Centennial; and

Whereas, The Second Called Session of the Forty-third Legislature passed Senate Bill No. 22, creating a Texas Centennial Commission and granting said Commission certain authority, also appropriating certain funds to said Commission; and

Whereas, Said Commission, acting by and under said authority, has been working and planning for said Centennial, and the Governor of this State in her call, under Section 4 of same, submitted said subject for the consideration of this Legislature; and

Whereas, Subjects numbers one, two, and three so submitted have been acted on by both the House and the Senate; and

Whereas, House Bill No. 37, raising revenue for the Centennial, has been under consideration for two days in the House; now, therefore, be it

Resolved, That Section 5, of Rule XIX, of the Rules of the House of Representatives, be suspended for the purpose of continuing the consideration of House Bill No. 37.

Signed—Savage, Weinert, Stinson, Vaughan, Reed of Dallas, Hodges, Hicks, Townsend, Parkhouse, Kyle of Palo Pinto, Stovall, Bradley, Wells, Munson, Magee, Hughes, Coombes, James, Golson, Canon, Chastain, Rogers of Hunt.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

### Yeas—104

Aikin.	Jones of Atascosa.
Atchison.	Jones of Runnels.
Baker.	Jones of Shelby.
Barrett.	Kayton.
Barron.	Kyle of Hays.
Bedford.	Kyle of Palo Pinto.
Bradley.	Laird.
Burns.	Lange.
Calvert.	Latham.
Camp.	Lemens.
Canon.	Leonard.
Cathey.	Lindsey.
Celaya.	Lotief.
Chastain.	Mackay.
Clayton.	Magee.
Colson.	Mathis.
Coombes.	McCullough.
Davidson.	McGregor.
Dean.	McKee.
Dunlap.	Merritt.
Dunagan.	Metcalfe.
Duvall.	Mitcham.
Engelhard.	Moore.
Fain.	Morrison.
Ford.	Munson.
Fuchs.	Nicholson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Pavlica.
Griffith.	Pope.
Hankamer.	Ratliff.
Harman.	Ray.
Harrison.	Reader.
Hartzog.	Reed of Dallas.
Head.	Riddle.
Hicks.	Rogers of Hunt.
Hill.	Rollins.
Hodges.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Holloway.	Smith.
Hoskins.	Steward.
Huddleston.	Stinson.
Hughes.	Stovall.
Hyder.	Stubbeman.
Jackson.	Thomas.
James.	Townsend.
Jefferson.	Turlington.
Johnson.	Vaughan.
of Anderson.	Wagstaff.

Weinert.  
Wells.  
Winningham.

Wood.  
Young.

### Nays—33

Alexander.	Moffett.
Alsup.	Morse.
Anderson.	Patterson.
Beck.	Puryear.
Bergman.	Reed of Bowie.
Bourne.	Renfro.
Cowley.	Roark.
Daniel.	Roberts.
Dwyer.	Rogers
Fisher.	of Ochiltree.
Glass.	Shannon.
Graves.	Shults.
Greathouse.	Stanfield.
Harris.	Tarwater.
Hunt.	Tennyson.
Hunter.	Tillery.
Long.	Walker.

### Absent

Butler.	Devall.
Caven.	Ramsey.
Crossley.	Van Zandt.

### Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on House Bill No. 7 by the following vote: Yeas, 16; nays, 11.

The Senate has passed

H. B. No. 68, A bill to be entitled "An Act appropriating the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated, to pay the mileage and per diem of Members and to pay the salaries and per diem of officers and employes of the Fourth Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency."

The Senate has adopted

H. C. R. No. 3, Granting permission to Fred B. Hills and Miss Lottie Hills to bring suit joining Jefferson County, as a defendant with the

American Elevator Company, Richards-Wilcox Manufacturing Company and the Hunter-Hays Company to determine liability and compensation for damages received and resulting in the death of Mrs. Fred B. Hills.

H. C. R. No. 7, Requesting Highway Department to erect certain markers. (With amendments.)

S. C. R. No. 8, Urging Federal legislation on all sales in interstate commerce of cigarettes and levying an additional tax thereon.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

### OATH OF OFFICE ADMINISTERED

Speaker Stevenson stated that Hon. O. C. Venable, Member-elect of the House of Representatives of the One Hundredth District, Place No. 1, to succeed Hon. W. A. Few, deceased, was now within the Bar of the House, presenting his certificate of election, and that he desired to be seated at this time.

Hon. Olan R. Van Zandt, of Grayson County, moved that the House accept the credentials of Mr. Venable, and that the constitutional oath of office be now administered to him.

The motion of Mr. Van Zandt prevailed.

Mr. Venable then took the constitutional oath of office, which was administered by Hon. Coke R. Stevenson, Speaker.

### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 4, to the Committee on Appropriations.

### HOUSE BILL NO. 42 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 42, A bill to be entitled "An Act making appropriation out of any moneys appropriated to pay for record cases, equipment and furnishings for the Record Bureau to be purchased by the State Board of Control, and declaring an emergency."

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 42 was then passed by the following vote:

## Yeas—101

Alexander.	Jones of Shelby.
Alsup.	Kayton.
Anderson.	Kyle of Hays.
Atchison.	Kyle of Palo Pinto.
Baker.	Lange.
Barrett.	Latham.
Beck.	Lemens.
Bedford.	Leonard.
Burns.	Lindsey.
Butler.	Long.
Calvert.	Magee.
Cathey.	McCullough.
Chastain.	McGregor.
Clayton.	Merritt.
Colson.	Metcalf.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Moore.
Davidson.	Morrison.
Dean.	Morse.
Dunlap.	Munson.
Dunagan.	Nicholson.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Pavlica.
Fain.	Ratliff.
Fisher.	Reader.
Ford.	Reed of Dallas.
Fuchs.	Renfro.
Glass.	Roark.
Golson.	Roberts.
Graves.	Scarborough.
Greathouse.	Scott.
Griffith.	Shannon.
Hankamer.	Shults.
Harman.	Smith.
Harrison.	Steward.
Hicks.	Stinson.
Hill.	Stovall.
Hodges.	Stubbeman.
Holland.	Tarwater.
Holloway.	Thomas.
Hoskins.	Tillery.
Hughes.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
James.	Venable.
Jefferson.	Wagstaff.
Johnson	Weinert.
of Anderson.	Wells.
Jones of Atascosa.	Wood.

## Nays—19

Aikin.	Holekamp.
Bourne.	Huddleston.
Canon.	Hunt.
Good.	Hunter.
Harris.	Jones of Runnels.

Laird.	Tennyson.
Lotief.	Vaughan.
Puryear.	Walker.
Reed of Bowie.	Winningham.
Rollins.	

## Absent

Barron.	McKee.
Bergman.	Palmer.
Bradley.	Pope.
Camp.	Ramsey.
Caven.	Ray.
Celaya.	Riddle.
Crossley.	Rogers of Hunt.
Devall.	Rogers
Goodman.	of Ochiltree.
Hartzog.	Savage.
Head.	Stanfield.
Mackay.	Young.
Mathis.	

## Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

## HOUSE BILL NO. 69 ON SECOND READING

On motion of Mr. Johnson of Anderson, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act amending Section 1, of Chapter 216, Acts of Regular Session, Forty-third Legislature, and Section 1, Chapter 220, Acts of Regular Session, Forty-third Legislature, defining the fund and restoring the amount of the compensation of the county commissioners and the county judge to be paid in counties having a population of not less than 34,600, nor more than 34,800; etc., and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

## HOUSE BILL NO. 69 ON THIRD READING

Mr. Johnson of Anderson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—119

Aikin.	Alsup.
Alexander.	Anderson.

Atchison.	Kyle of Hays.
Barrett.	Kyle of Palo Pinto.
Beck.	Laird.
Bedford.	Lange.
Bergman.	Latham.
Bourne.	Lemens.
Burns.	Leonard.
Butler.	Long.
Calvert.	Mackay.
Camp.	Magee.
Canon.	Mathis.
Cathey.	McCullough.
Celaya.	McGregor.
Clayton.	Merritt.
Colson.	Metcalfe.
Coombes.	Mitcham.
Cowley.	Moffett.
Daniel.	Moore.
Davidson.	Morrison.
Dean.	Morse.
Dunlap.	Munson.
Dunagan.	Nicholson.
Duvall.	Pavlica.
Dwyer.	Pope.
Engelhard.	Puryear.
Fain.	Ratliff.
Fisher.	Ray.
Ford.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Roark.
Graves.	Roberts.
Greathouse.	Rollins.
Griffith.	Savage.
Hankamer.	Scarborough.
Harris.	Scott.
Harrison.	Shannon.
Head.	Shults.
Hicks.	Smith.
Hill.	Steward.
Hodges.	Stovall.
Holekamp.	Stubbeman.
Holland.	Tarwater.
Holloway.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hughes.	Turlington.
Hunt.	Van Zandt.
Hunter.	Vaughan.
Hyder.	Venable.
Jackson.	Wagstaff.
James.	Walker.
Jefferson.	Weinert.
Jones of Atascosa.	Wells.
Jones of Runnels.	Wood.
Jones of Shelby.	Young.
Kayton.	

Nays—2

Crossley.                      Winningham.

Present—Not Voting

Lotief.

Absent

Baker.	Bradley.
Barron.	Caven.

Chastain.	Parkhouse.
Devall.	Patterson.
Goodman.	Ramsey.
Harman.	Reader.
Hartzog.	Rogers of Hunt.
Johnson	Rogers
of Anderson.	of Ochiltree.
Lindsey.	Stanfield.
McKee.	Stinson.
Palmer.	Townsend.

Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

The Speaker then laid House Bill No. 69 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Aikin.	Hicks.
Alexander.	Hill.
Alsup.	Hodges.
Anderson.	Holekamp.
Atchison.	Holland.
Baker.	Holloway.
Barrett.	Hoskins.
Beck.	Huddleston.
Bedford.	Hughes.
Bourne.	Hunter.
Bradley.	Hyder.
Burns.	Jackson.
Calvert.	James.
Camp.	Jefferson.
Canon.	Jones of Atascosa.
Cathey.	Jones of Runnels.
Celaya.	Jones of Shelby.
Clayton.	Kayton.
Colson.	Kyle of Hays.
Coombes.	Kyle of Palo Pinto.
Cowley.	Laird.
Crossley.	Lange.
Daniel.	Latham.
Dean.	Lemens.
Dunlap.	Leonard.
Dwyer.	Mackay.
Engelhard.	Magee.
Fain.	Mathis.
Fisher.	McCullough.
Ford.	McGregor.
Fuchs.	Merritt.
Glass.	Metcalfe.
Golson.	Mitcham.
Good.	Moffett.
Goodman.	Moore.
Graves.	Morrison.
Greathouse.	Morse.
Griffith.	Munson.
Hankamer.	Nicholson.
Harrison.	Patterson.
Hartzog.	Pavlica.
Head.	Ratliff.

Reed of Bowie.	Tarwater.
Reed of Dallas.	Tennyson.
Renfro.	Thomas.
Riddle.	Tillery.
Roark.	Turlington.
Roberts.	Van Zandt.
Rollins.	Vaughan.
Scarborough.	Venable.
Scott.	Wagstaff.
Shannon.	Walker.
Shults.	Weinert.
Smith.	Wells.
Steward.	Wood.
Stovall.	Young.
Stubbeman.	

Nays—1

Winningham.

Present—Not Voting

Lotief.

Absent

Barron.	McKee.
Bergman.	Palmer.
Butler.	Parkhouse.
Caven.	Pope.
Chastain.	Puryear.
Davidson.	Ramsey.
Devall.	Ray.
Dunagan.	Reader.
Duvall.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Hunt.	Savage.
Johnson	Stanfield.
of Anderson.	Stinson.
Lindsey.	Townsend.
Long.	

Absent—Excused

Adamson,	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

## ADDRESS BY HON. MILTON WEST

In accordance with the provisions of a resolution heretofore adopted, inviting the Hon. Milton West to address the House, Speaker Stevenson presented Mr. Celaya, who introduced Hon. Milton West.

Mr. West addressed the House.

## RECESS

On motion of Mr. Cowley, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 37 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, on its passage to engrossment,

H. B. No. 37, A bill to be entitled "An Act levying and imposing occupation taxes in addition to those now prescribed by law on certain industries and occupations; providing for certain exemptions and defining terms used in the Act; providing for the licensing of operators of coin-operated, vending or amusement machines as defined in the Act, providing for certain exceptions and exemptions and levying an occupation tax on each machine operated under license; prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act; etc., and declaring an emergency";

The bill having heretofore been read second time, with committee amendment offered by Mr. Stinson and amendment by Mr. Barron to the committee amendment, pending.

Question recurring on the amendment by Mr. Barron and Mr. Stinson, it was adopted.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37 by striking out the words and figures "two thousand five hundred (2,500)," in line 6 on page 3, and insert in lieu thereof the words and figures "six thousand (6,000)."

Mr. Barron moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Atchison.	Crossley.
Baker.	Davidson.
Barrett.	Dean.
Barron.	Glass.
Beck.	Golson.
Butler.	Goodman.
Calvert.	Hankamer.
Camp.	Harman.
Canon.	Harris.
Chastain.	Hartzog.
Clayton.	Head.
Colson.	Hicks.

Hill.	Munson.
Hodges.	Nicholson.
Holland.	Palmer.
Hughes.	Parkhouse.
Hunter.	Pavlica.
Jackson.	Ratliff.
James.	Ray.
Jefferson.	Reader.
Johnson	Reed of Dallas.
of Anderson.	Roark.
Jones of Atascosa.	Savage.
Jones of Shelby.	Shannon.
Kyle of Palo Pinto.	Shults.
Lange.	Smith.
Latham.	Steward.
Leonard.	Stinson.
Lindsey.	Tennyson.
Mackay.	Thomas.
Magee.	Townsend.
Mathis.	Vaughan.
McCullough.	Venable.
McGregor.	Weinert.
McKee.	Wells.
Merritt.	Young.
Moore.	

## Nays—29

Aikin.	Moffett.
Alexander.	Morrison.
Alsup.	Patterson.
Bourne.	Puryear.
Cowley.	Reed of Bowie.
Dunagan.	Renfro.
Engelhard.	Rogers
Fain.	of Ochiltree.
Fisher.	Scarborough.
Fuchs.	Tarwater.
Holekamp.	Turlington.
Jones of Runnels.	Van Zandt.
Kyle of Hays.	Wagstaff.
Lotief.	Walker.
Mitcham.	Wood.

## Present—Not Voting

Mr. Speaker.	Winningham.
Bedford.	

## Absent

Anderson.	Huddleston.
Bergman.	Hunt.
Bradley.	Hyder.
Burns.	Kayton.
Cathey.	Laird.
Caven.	Lemens.
Celaya.	Long.
Coombes.	Metcalfe.
Daniel.	Morse.
Devall.	Pope.
Dunlap.	Ramsey.
Duvall.	Riddle.
Dwyer.	Roberts.
Ford.	Rogers of Hunt.
Good.	Rollins.
Graves.	Scott.
Greathouse.	Stanfield.
Griffith.	Stovall.
Harrison.	Stubbeman.
Holloway.	Tillery.
Hoskins.	

## Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

Mr. Reed of Bowie offered the following amendment to the committee amendment:

Amend House Bill No. 37, page 5, by striking out lines 21, 22, 23, 24, 25, and 26.

Mr. Reed of Dallas moved to table the amendment.

The motion to table prevailed.

Mr. Moore offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 37, by adding at the end of line 25: "Provided that no tax shall be paid on either fermented or unfermented grape juice where used for sacramental purposes."

The amendment was adopted.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37, by striking out all of Section D, being lines 2-40, inclusive, on page 5, lines 1-40, inclusive, on page 6, and lines 1-3, inclusive, on page 7.

Mr. Aikin offered the following substitute for the amendment by Mr. Kyle of Hays:

Amend House Bill No. 37, page 6, by striking out all of lines 11 to 35, inclusive.

Mr. Reed of Dallas moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—45

Atchison.	Goodman.
Cathey.	Hankamer.
Chastain.	Hill.
Clayton.	Hodges.
Colson.	Holekamp.
Coombes.	Holland.
Crossley.	Hughes.
Dean.	Hyder.
Duvall.	Jackson.
Fisher.	Jefferson.
Golson.	Jones of Atascosa.



Kyle of Palo Pinto.	Ray.
Lange.	Reed of Dallas.
Lindsey.	Rogers of Hunt.
Magee.	Rollins.
Mathis.	Savage.
McCullough.	Shults.
McGregor.	Smith.
Munson.	Stinson.
Parkhouse.	Van Zandt.
Patterson.	Venable.
Puryear.	Weinert.
Ratliff.	

## Nays—62

Aikin.	Leonard.
Alexander.	Lotief.
Alsup.	Mackay.
Baker.	McKee.
Beck.	Merritt.
Bergman.	Mitcham.
Bourne.	Moore.
Burns.	Morrison.
Butler.	Palmer.
Camp.	Pavlica.
Canon.	Reader.
Daniel.	Reed of Bowie.
Dunagan.	Renfro.
Fain.	Riddle.
Fuchs.	Roark.
Glass.	Roberts.
Graves.	Rogers
Harris.	of Ochiltree.
Harrison.	Scarborough.
Head.	Shannon.
Hicks.	Stanfield.
Hoskins.	Steward.
Huddleston.	Tarwater.
Hunt.	Tennyson.
Hunter.	Thomas.
James.	Townsend.
Johnson	Turlington.
of Anderson.	Wagstaff.
Jones of Runnels.	Walker.
Jones of Shelby.	Wells.
Kyle of Hays.	Wood.
Laird.	Young.

## Absent

Anderson.	Hartzog.
Barrett.	Holloway.
Barron.	Kayton.
Bedford.	Lemens.
Bradley.	Long.
Calvert.	Metcalfe.
Caven.	Moffett.
Celaya.	Morse.
Cowley.	Nicholson.
Davidson.	Pope.
Devall.	Ramsey.
Dunlap.	Scott.
Dwyer.	Stovall.
Ford.	Stubbeman.
Good.	Tillery.
Greathouse.	Vaughan.
Griffith.	Winningham.
Harman.	

## Absent—Excused

Adamson.	Latham.
Engelhard.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

Question recurring on the substitute amendment by Mr. Aikin, it was adopted.

The amendment, as substituted, was then adopted.

Mr. Lotief moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Scarborough raised a point of order on further consideration of House Bill No. 37, on the ground that same is in violation of Section 48, of Article III, of the Constitution.

The Speaker overruled the point of order.

Mr. Ray offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 37, pages 7 and 8, by striking out all of Subsection "E."

Mr. Lemens offered the following substitute for the amendment by Mr. Ray:

Substitute for amendment to committee amendment to House Bill No. 37, page 8, by striking out Subsection C, of Section E.

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Tennyson offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 37, by striking out all of Section F, and all subsections thereof, on pages 8, 9, and 10.

TENNYSON,  
HARRIS,  
DUNAGAN.

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—60

Atchison.	Beck.
Barrett.	Bedford.
Barron.	Bergman.

Burns.	Kyle of Palo Pinto.
Butler.	Lindsey.
Camp.	Mackay.
Celaya.	Magee.
Colson.	Mitcham.
Cowley.	Morrison.
Daniel.	Munson.
Dean.	Nicholson.
Fain.	Palmer.
Fuchs.	Parkhouse.
Golson.	Puryear.
Good.	Ray.
Goodman.	Reader.
Griffith.	Reed of Dallas.
Hankamer.	Rogers of Hunt.
Head.	Rollins.
Hicks.	Savage.
Hodges.	Scott.
Holland.	Shults.
Hoskins.	Smith.
Huddleston.	Stinson.
Hughes.	Stovall.
Hyder.	Townsend.
James.	Van Zandt.
Jefferson.	Vaughan.
Jones of Atascosa.	Weinert.
Jones of Shelby.	Winningham.

## Nays—55

Aikin.	Lotief.
Alsup.	Mathis.
Anderson.	Merritt.
Baker.	Moore.
Bourne.	Morse.
Bradley.	Patterson.
Chastain.	Ratliff.
Clayton.	Reed of Bowie.
Coombes.	Renfro.
Crossley.	Riddle.
Dunagan.	Roark.
Fisher.	Rogers.
Glass.	of Ochiltree.
Graves.	Scarborough.
Harris.	Shannon.
Harrison.	Stanfield.
Hartzog.	Steward.
Hill.	Stubbeman.
Hunt.	Tennyson.
Hunter.	Thomas.
Jackson.	Tillery.
Johnson.	Turlington.
of Anderson.	Venable.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Walker.
Laird.	Wells.
Lange.	Wood.
Latham.	Young.
Lemens.	

## Present—Not Voting

Canon.

## Absent

Alexander.	Davidson.
Calvert.	Devall.
Cathey.	Dunlap.
Caven.	Duvall.

Dwyer.	McGregor.
Ford.	McKee.
Greathouse.	Metcalfe.
Harman.	Moffett.
Holekamp.	Pavlica.
Holloway.	Pope.
Kayton.	Ramsey.
Leonard.	Roberts.
Long.	Tarwater.
McCullough.	

## Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Hester.	McDougald.
	Russell.

Mr. Tennyson offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37, by changing the words "one-eighth," in line 39, page 8, to "one-sixteenth."

Mr. Daniel offered the following substitute for the amendment by Mr. Tennyson:

Substitute for Tennyson amendment to committee amendment to House Bill No. 37, Section F: amend by striking out "one-eighth of."

Mr. Stinson moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—76

Aikin.	Hodges.
Alexander.	Holloway.
Atchison.	Huddleston.
Baker.	Hunter.
Barron.	Hyder.
Bedford.	James.
Bourne.	Jefferson.
Bradley.	Johnson
Butler.	of Anderson.
Camp.	Jones of Atascosa.
Canon.	Kyle of Palo Pinto.
Cathey.	Lange.
Chastain.	Latham.
Clayton.	Lindsey.
Coombes.	Mackay.
Dean.	Magee.
Dunagan.	Mathis.
Duvall.	McKee.
Fuchs.	Moffett.
Golson.	Moore.
Good.	Morrison.
Hankamer.	Morse.
Harris.	Nicholson.
Hartzog.	Palmer.
Head.	Parkhouse.
Hill.	Patterson.

Pavlica.	Steward.
Ratliff.	Stinson.
Reader.	Stubbeman.
Reed of Dallas.	Tarwater.
Riddle.	Tennyson.
Roberts.	Thomas.
Rogers of Hunt.	Townsend.
Rogers	Turlington.
of Ochiltree.	Van Zandt.
Rollins.	Wagstaff.
Savage.	Walker.
Shannon.	Weinert.
Stanfield.	Wells.

## Nays—41

Alsup.	Lemens.
Anderson.	Lotief.
Bergman.	McGregor.
Burns.	Merritt.
Calvert.	Mitcham.
Cowley.	Munson.
Crossley.	Puryear.
Daniel.	Ray.
Dwyer.	Reed of Bowie.
Fain.	Roark.
Fisher.	Scarborough.
Glass.	Scott.
Graves.	Shults.
Griffith.	Smith.
Harrison.	Stovall.
Hughes.	Tillery.
Hunt.	Vaughan.
Jackson.	Venable.
Jones of Runnels.	Winningham.
Kyle of Hays.	Wood.
Laird.	

## Absent

Barrett.	Holekamp.
Beck.	Holland.
Caven.	Hoskins.
Celaya.	Kayton.
Colson.	Leonard.
Davidson.	Long.
Devall.	McCullough.
Dunlap.	Metcalfe.
Ford.	Pope.
Goodman.	Ramsey.
Greathouse.	Renfro.
Harman.	Young.
Hicks.	

## Absent—Excused

Adamson.	Jones of Shelby.
Engelhard.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

Mr. Stinson moved to table the amendment offered by Mr. Tennyson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—68

Alexander.	Jefferson.
Alsup.	Jones of Atascosa.
Atchison.	Jones of Shelby.
Beck.	Kyle of Palo Pinto.
Bedford.	Laird.
Burns.	Lemens.
Butler.	Lindsey.
Calvert.	Mackay.
Camp.	Magee.
Canon.	Mathis.
Celaya.	Mitcham.
Colson.	Morrison.
Cowley.	Munson.
Daniel.	Nicholson.
Dean.	Palmer.
Duvall.	Puryear.
Fain.	Ray.
Fuchs.	Reader.
Glass.	Reed of Dallas.
Golson.	Roberts.
Good.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Savage.
Griffith.	Scarborough.
Hankamer.	Shults.
Hartzog.	Smith.
Head.	Stanfield.
Hicks.	Stinson.
Hill.	Stovall.
Hodges.	Townsend.
Holekamp.	Van Zandt.
Hughes.	Vaughan.
Hunt.	Weinert.
James.	Winningham.

## Nays—53

Aikin.	Lotief.
Anderson.	McGregor.
Baker.	McKee.
Barron.	Merritt.
Bergman.	Moffett.
Bourne.	Moore.
Bradley.	Morse.
Cathey.	Parkhouse.
Chastain.	Pavlica.
Clayton.	Ratliff.
Coombes.	Reed of Bowie.
Crossley.	Riddle.
Dunagan.	Roark.
Dwyer.	Rogers
Fisher.	of Ochiltree.
Harris.	Shannon.
Harrison.	Steward.
Holloway.	Stubbeman.
Huddleston.	Tarwater.
Hunter.	Tennyson.
Hyder.	Thomas.
Jackson.	Tillery.
Johnson	Turlington.
of Anderson.	Venable.
Jones of Runnels.	Wagstaff.
Kyle of Hays.	Walker.
Lange.	Wood.
Latham.	

## Absent

Barrett.	Leonard.
Caven.	Long.
Davidson.	McCullough.
Devall.	Metcalfe.
Dunlap.	Patterson.
Ford.	Pope.
Greathouse.	Ramsey.
Harman.	Renfro.
Holland.	Scott.
Hoskins.	Wells.
Kayton.	Young.

## Absent—Excused

Adamson.	Johnson
Engelhard.	of Dimmit.
Hester.	McDougald.
	Russell.

Mr. Daniel and Mr. Burns offered the following amendment to the committee amendment:

Amend House Bill No. 37 by adding at the end of line 25, page 13, the following:

"In addition, every person, association or corporation licensed to use the certificate system of betting under Chapter 10, Acts of the First Called Session of the Forty-third Legislature, shall pay over to and into the Texas Centennial Fund all the odd cents of the redistribution over the next to the lowest multiple of five on each and every certificate; the intention of this sentence being to provide by law that the odd cents on each certificate, which are now kept by the track operator, shall be paid over into the Texas Centennial Fund."

DANIEL,  
BURNS,  
KYLE of Hays.

The amendment was adopted.

Mr. Kyle of Hays offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 37 by striking out all of Section H, being lines 16 to 40, inclusive, on page 13, and lines 1 to 6, inclusive, on page 14, and substituting in lieu thereof the following:

"Section H. (a) There shall be levied, assessed, collected and paid an occupation tax on all money wagered or contributed toward the entry of all horses entered in races conducted under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, of twenty per centum (20%) of each

one dollar (\$1) so wagered or contributed.

"(b) The tax hereby levied shall be exclusive of any in addition to all taxes provided in Chapter 10, Acts of the First Called Session of the Forty-third Legislature.

"(c) Each individual, firm, club, copartnership, corporation, company, or association which conducts any racing meet under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, wherein money is wagered or contributed toward the entry of horses entered in races conducted under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, shall make returns under oath, in duplicate, within forty-eight (48) hours after the close of the races conducted during any calendar day of such meet. Said return shall show the amount of money wagered or contributed upon races for that day upon forms to be prepared by the Comptroller of Public Accounts as may be required by said Comptroller in order to enforce the provisions of this Act. Such individual, firm, club, copartnership, corporation, company, or association making such return under oath shall attach to same legal tender or proper form of United States money order or exchange payable to the State Treasurer in the amount of twenty per centum (20%) of the total amount of money wagered or contributed during the period covered therein.

"(d) The Comptroller of Public Accounts or any of his deputies shall have full access to the records of any licensee operating under the provisions of Chapter 10, Acts of the First Called Session of the Forty-third Legislature, and shall be permitted to supervise and inspect all records and collection of funds wagered or contributed upon any race."

Mr. Anderson offered the following substitute amendment for the amendment by Mr. Kyle of Hays:

"(e) Every licensee permitted to conduct a race meeting under the provisions of Chapter 10, of the First Called Session of the Forty-third Legislature, known and designated as the Racing Commission Act, shall establish a totalizator on the race course at which the licensee is permitted to hold a race meeting, or on any enclosure in any such race course,

and shall use the totalizator so established on every day on which a race meeting is held on such race course, and all moneys wagered shall be accounted for through the use of such totalizator. For the purpose of this Act the totalizator means the instrument or contrivance known as the totalizator and includes any other machine or instrument of like nature and conducted on like principles.

"(f) Should any licensee fail to use the totalizator as provided for under the provisions of this Act, he shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), and shall be imprisoned in the county jail not less than ten days nor more than thirty days. Each race run in violation of this Act to constitute a separate offense.

"(g) Before any totalizator is established, the totalizator and the proposed site thereof shall be approved by the Texas Racing Commission, and such approval may be subject to such conditions as the Texas Racing Commission may specify.

"(h) Any person conducting or assisting in the conduct or working of a totalizator unless it be used pursuant to the provisions of this Act, shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not exceeding two hundred dollars.

"(i) Every totalizator used by a licensee under the provisions of this Act shall be under the care and management of some competent person or persons approved by the Texas Racing Commission and under the direct supervision of the representatives of said Texas Racing Commission.

"(j) Any licensee under authority of the Texas Racing Commission using the totalizator herein provided for shall deduct as commission of the moneys paid into the totalizator in respect of any race twelve per cent (12%) of the money so paid into the totalizator. The license issued shall expressly provide that the licensee shall, in addition to license fees paid, remit to the Treasurer of the State of Texas, through the State Comptroller, at the end of each race meeting, one-fourth of the twelve per cent received as commission out of the moneys paid into the totalizator, as authorized by this Act. This fund when received by the State

Treasurer shall be held by him and credited as a special racing fund. The license issued shall further expressly provide that the licensee shall, in addition to the license fees paid, remit to the Treasurer of the State of Texas through the State Comptroller at the end of each race meeting, one-fourth of the twelve per cent received as commission out of the moneys paid into the totalizator, as authorized by this Act. This sum when received by the State Treasurer shall be credited to the Texas Centennial Fund.

"(k) Every licensee using the totalizator under the provisions of this Act shall pay, after making deductions as aforesaid, by way of dividends, all moneys received from investments on the totalizator.

"(l) If any licensee, agent or employe of such licensee, makes, authorizes, or permits the payment to any person of any dividend which is not calculated in accordance with the provisions of this Act and the regulations thereunder, he shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not to exceed two hundred dollars (\$200), and each payment shall constitute a separate offense.

"(m) The chairman of the Texas Racing Commission may assume control of and use any totalizator established under the provisions of this Act when, in his opinion, it is being mismanaged or misused, and he may further recover a penalty not exceeding \$250 in respect of each race at which the totalizator is misused or mismanaged. Should the chairman of the Texas Racing Commission assume control of and use any totalizator provided for under the provisions of this Act, he shall, after making the deductions hereinbefore provided for, pay by way of dividends all monies received from investments on the totalizator.

"(n) Any person who makes or enters into a bet, or who offers to make or enter into a bet, upon the result of a horse race, whereby he agrees to pay to the other party to the said bet, if the latter should win the same, a sum of money, the amount or the approximate amount of which is dependent upon the result of the working of a totalizator on the said horse race, and any person (not being a person lawfully conducting, or employed in the working of a totalizator) who sells or offers for sale, and any person who purchases from him any

ticket, card, or thing entitling or purporting to entitle the purchaser or holder thereof to any interest in the result of the working of a totalizator on any horse race, or makes or offers to make any contract or bargain of any kind to pay or receive money upon an event determined or to be determined by the result of the working of the totalizator on any horse race, is guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not to exceed five hundred dollars (\$500), and shall be imprisoned in the county jail not less than ten days nor more than thirty days.

"(k) No person shall, for fee, commission, reward, share, or interest of any kind whatsoever, or upon any understanding or agreement, either express or implied, for such fee, commission, reward, share, or interest, receive from any other person any money for the purpose of placing, investing, or depositing the same, or any part thereof, in any totalizator. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and shall be imprisoned in the county jail not less than ten days, nor more than thirty days, and every such understanding or agreement to place, invest, or deposit any sum in any totalizator shall constitute a separate offense.

"(l) No licensee, agent, or employe shall accept or act on any telegraphic, telephonic, or radio request, instructions, or directions relating to investments on a totalizator, whether such request, instructions, or directions are received on a race course or elsewhere. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and shall be imprisoned in the county jail not less than ten days nor more than one hundred days, and each acceptance or act shall constitute a separate offense.

"(m) No monies shall be invested, placed, or deposited in any totalizator permitted under the provisions of this Act within a period of five minutes of the posted time of such race upon which the investment has been made. Any person violating the provisions

of this section shall be guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and shall be placed in the county jail for a period of time not less than ten days nor more than one hundred days, and every such placing, investing or depositing shall constitute a separate offense.

"(n) The chairman of the Texas Racing Commission shall appoint inspectors who shall at all times during a race meeting at which a totalizator is used, have the right of entry without charge to the race course where said meeting is being held.

"(o) Any inspector may, during such meeting, enter, for the purpose of inspection, any building or structure containing a totalizator.

"(p) Any inspector may, during such inspection, examine any part of the machinery or working of the totalizator, but so that he in no way interferes with the legal working thereof.

"(q) He may demand such information as he deems necessary for the purpose of the inspection from the person or persons appointed to care for and manage the totalizator, and he shall have such further powers and shall perform such duties as may be prescribed by the Texas Racing Commission.

"(r) Any person who hinders or attempts to hinder an inspector entering any race course building or structure containing a totalizator in execution of his duty, or who refuses to give any information which he may demand under the powers conferred on him by this Act or the regulations of the Texas Racing Commission, or who hinders or attempts to hinder him in the execution of any power or duty prescribed by this Act or the regulations of the Texas Racing Commission, shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and shall be confined in the county jail not less than ten days nor more than one hundred days, and every such hindrance or attempt to hinder such inspector shall constitute a separate offense.

"(s) The Texas Racing Commission may make such regulations prescribing the powers and duties of inspectors and, generally, all things

necessary to carry the provisions of this Act into execution. Subject to the provisions of this Act and the regulations of the Texas Racing Commission, a licensee may make rules relating to payment out of dividends and, generally, regulating the management of any totalizator under its control.

"(t) All laws and parts of laws in conflict herewith are hereby specifically repealed; otherwise the provisions herein are cumulative to the provisions of Chapter 10, of the General and Special Laws of Texas, First Called Session, Forty-third Legislature."

Mr. Mathis moved to table the substitute amendment offered by Mr. Anderson.

The motion to table prevailed.

Mr. Greathouse moved to table the amendment offered by Mr. Kyle of Hays.

Question—Shall the motion to table the amendment by Mr. Kyle of Hays prevail?

#### MESSAGE FROM THE SENATE Senate Chamber,

Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 9, A bill to be entitled "An Act for procuring Federal funds to provide work for the relief of the unemployed persons of Texas; authorizing the State Highway Commission as defined herein, to construct toll bridges and approaches thereto on State highways with funds procured from the United States Government, its agencies and instrumentalities, through loans and grants, either or both, to operate and maintain said bridges and in reference to each such bridge to issue and to deliver to the United States Government, its agencies and instrumentalities, interest-bearing securities, bearing four per cent (4%) interest, with provisions for registration as to ownership; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due

notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 7, "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid before March 15, 1935; provided said taxes are paid on or after March 15, 1935, and before April 1, 1935, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid on or after April 1, 1935, and before May 1, 1935, with an addition of three per cent (3%) on said taxes; provided said taxes are paid on or after May 1, 1935, and before June 1, 1935, with an addition of four per cent (4%) on said taxes; provided said taxes are paid on or after June 1, 1935, and before July 1, 1935, with an addition of five per cent (5%) on said taxes; provided said taxes are paid on or after July 1, 1935, with an addition of eight per cent (8%) penalty on said taxes, and six per cent (6%) per annum interest on said taxes, on and from July 1, 1935, until paid; providing for penalties; and provided that cities, towns, villages, special school districts and independent school districts are excepted from the provisions of this Act after March 15, 1935, on certain conditions; providing that anyone desiring to pay at one time all delinquent taxes for any one (1) year or more, may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing for filing and prosecuting suits and the release of costs; providing that if any section, clause, sentence, paragraph or part of the Act be adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act, and declaring an emergency."

H. B. No. 68, "An Act appropriating the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated, to pay the mileage and

per diem of Members and to pay the salaries and per diem of officers and employes of the Fourth Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency."

H. B. No. 9, "An Act for procuring Federal and other funds to provide work for the relief of indigent and unemployed persons of Texas; authorizing the State Highway Commission to construct a free bridge and approaches thereto across the Neches River between Jefferson and Orange Counties in the State of Texas, on State Highway No. 87, with the channel span thereof having a vertical clearance of one hundred and seventy-six (176) feet above mean low water for a distance of four hundred (400) feet in the center of the span, and a horizontal clearance of not less than six hundred (600) feet between fenders of piers with a vertical clearance of not less than one hundred and forty (140) feet at the piers; such bridge may be constructed by the State Highway Commission from funds granted by the Federal Emergency Administration of Public Works; etc., and declaring an emergency."

H. C. R. No. 3, Granting Fred B. Hills and Miss Lottie Hills permission to bring certain suit.

#### LEAVES OF ABSENCE GRANTED

By unanimous consent of the House, the members of the conference committee on Senate Bill No. 2 were granted leave of absence for this afternoon.

#### RECESS

Mr. Lindsey moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Cowley moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Coombes moved that the House recess to 8 o'clock p. m., today.

Mr. Moffett moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Young moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Bradley moved that the House recess to 7:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Cowley, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—63

Alexander.	Long.
Alsup.	Lotief.
Anderson.	Mathis.
Beck.	McGregor.
Bergman.	Merritt.
Bourne.	Moffett.
Burns.	Morse.
Colson.	Nicholson.
Cowley.	Palmer.
Daniel.	Patterson.
Davidson.	Ratliff.
Dunagan.	Reader.
Dwyer.	Reed of Bowie.
Fisher.	Renfro.
Glass.	Riddle.
Graves.	Roark.
Greathouse.	Roberts.
Harris.	Rogers
Harrison.	of Ochiltree.
Hodges.	Shannon.
Holekamp.	Stanfield.
Holland.	Steward.
Huddleston.	Stubbeman.
Hunt.	Tarwater.
Hunter.	Tennyson.
Hyder.	Thomas.
Jackson.	Tillery.
Jefferson.	Wagstaff.
Johnson	Walker.
of Anderson.	Weinert.
Jones of Runnels.	Winningham.
Lange.	Young.
Lemens.	

#### Nays—73

Aikin.	Hicks.
Atchison.	Hill.
Baker.	Holloway.
Barrett.	Hoskins.
Barron.	James.
Bedford.	Jones of Atascosa.
Bradley.	Jones of Shelby.
Butler.	Kayton.
Calvert.	Kyle of Hays.
Camp.	Kyle of Palo Pinto.
Canon.	Laird.
Cathey.	Latham.
Celaya.	Leonard.
Chastain.	Lindsey.
Clayton.	Mackay.
Coombes.	Magee.
Dean.	McCullough.
Dunlap.	McKee.
Duvall.	Mitcham.
Engelhard.	Moore.
Fain.	Morrison.
Fuchs.	Munson.
Golson.	Parkhouse.
Good.	Pavlica.
Goodman.	Ramsey.
Griffith.	Ray.
Hankamer.	Reed of Dallas.
Harman.	Rogers of Hunt.
Hartzog.	Rollins.
Head.	Savage.



Scarborough.  
Scott.  
Shults.  
Smith.  
Stinson.  
Stovall.  
Townsend.

Turlington.  
Van Zandt.  
Vaughan.  
Venable.  
Wells.  
Wood.

Absent

Caven.  
Crossley.  
Devall.  
Ford.

Hughes.  
Metcalf.  
Pope.  
Puryear.

Absent—Excused

Adamson.  
Hester.  
Johnson  
of Dimmit.

McDougald.  
Russell.

Question recurring on the motion by Mr. Young, that the House adjourn until 9:30 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—65

Alexander.  
Alsup.  
Anderson.  
Beck.  
Bergman.  
Bourne.  
Burns.  
Butler.  
Cowley.  
Daniel.  
Davidson.  
Devall.  
Dunagan.  
Dwyer.  
Fain.  
Fisher.  
Glass.  
Graves.  
Greathouse.  
Harris.  
Harrison.  
Head.  
Hill.  
Holekamp.  
Holland.  
Huddleston.  
Hunt.  
Hyder.  
Jackson.  
Jefferson.  
Johnson  
of Anderson.  
Jones of Runnels.  
Lange.

Lemens.  
Long.  
Lotief.  
Mathis.  
McCullough.  
McGregor.  
Merritt.  
Moffett.  
Morse.  
Patterson.  
Puryear.  
Ratliff.  
Reader.  
Reed of Bowie.  
Renfro.  
Riddle.  
Roark.  
Roberts.  
Rogers  
of Ochiltree.  
Scott.  
Shannon.  
Stanfield.  
Steward.  
Stubbeman.  
Tarwater.  
Tennyson.  
Thomas.  
Tillery.  
Wagstaff.  
Walker.  
Winningham.  
Young.

Nays—72

Aikin.

Atchison.

Baker.  
Barron.  
Bedford.  
Bradley.  
Calvert.  
Camp.  
Canon.  
Cathey.  
Celaya.  
Chastain.  
Clayton.  
Colson.  
Coombes.  
Crossley.  
Dean.  
Dunlap.  
Duvall.  
Engelhard.  
Fuchs.  
Golson.  
Good.  
Goodman.  
Griffith.  
Hankamer.  
Harman.  
Hartzog.  
Hicks.  
Hodges.  
Holloway.  
Hoskins.  
Hunter.  
James.  
Jones of Atascosa.  
Jones of Shelby.  
Kayton.

Kyle of Hays.  
Kyle of Palo Pinto.  
Laird.  
Latham.  
Leonard.  
Lindsey.  
Mackay.  
Magee.  
McKee.  
Mitcham.  
Moore.  
Munson.  
Nicholson.  
Parkhouse.  
Pavlica.  
Pope.  
Ramsey.  
Ray.  
Reed of Dallas.  
Rogers of Hunt.  
Rollins.  
Savage.  
Scarborough.  
Shults.  
Smith.  
Stinson.  
Stovall.  
Townsend.  
Turlington.  
Van Zandt.  
Vaughan.  
Venable.  
Weinert.  
Wells.  
Wood.

Absent

Barrett.  
Caven.  
Ford.  
Hughes.

Metcalf.  
Morrison.  
Palmer.

Absent—Excused

Adamson.  
Hester.  
Johnson  
of Dimmit.

McDougald.  
Russell.

Question next recurring on the motion by Mr. Bradley, that the House recess to 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—62

Atchison.  
Baker.  
Barron.  
Bedford.  
Bradley.  
Camp.  
Canon.  
Chastain.  
Clayton.

Colson.  
Coombes.  
Dean.  
Duvall.  
Engelhard.  
Fain.  
Fuchs.  
Glass.  
Golson.

Good.	Munson.
Goodman.	Nicholson.
Griffith.	Parkhouse.
Hankamer.	Pope.
Harman.	Ray.
Hartzog.	Reed of Dallas.
Hicks.	Rogers of Hunt.
Hill.	Rollins.
Holloway.	Savage.
Hoskins.	Scarborough.
Hunter.	Shults.
James.	Smith.
Jones of Atascosa.	Stinson.
Jones of Shelby.	Stovall.
Kayton.	Tillery.
Kyle of Hays.	Townsend.
Kyle of Palo Pinto.	Turlington.
Latham.	Vaughan.
Leonard.	Venable.
Lindsey.	Weinert.
Magee.	Wells.
McCullough.	Wood.

## Nays—76

Aikin.	Lemens.
Alexander.	Long.
Alsup.	Lotief.
Anderson.	Mackay.
Barrett.	Mathis.
Beck.	McGregor.
Bergman.	McKee.
Bourne.	Merritt.
Burns.	Mitcham.
Butler.	Moffett.
Calvert.	Moore.
Cathey.	Morse.
Celaya.	Palmer.
Cowley.	Patterson.
Crossley.	Pavlica.
Daniel.	Puryear.
Davidson.	Ramsey.
Devall.	Ratliff.
Dunlap.	Reader.
Dunagan.	Reed of Bowie.
Dwyer.	Renfro.
Fisher.	Riddle.
Graves.	Roark.
Greathouse.	Roberts.
Harris.	Rogers
Harrison.	of Ochiltree.
Head.	Scott.
Hodges.	Shannon.
Holekamp.	Stanfield.
Holland.	Steward.
Hunt.	Stubbeman.
Hyder.	Tarwater.
Jackson.	Tennyson.
Jefferson.	Thomas.
Johnson	Van Zandt.
of Anderson.	Wagstaff.
Jones of Runnels.	Walker.
Laird.	Winningham.
Lange.	Young.

## Absent

Caven.	Ford.
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Huddleston.	Metcalfe.
Hughes.	Morrison.

## Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

Question next recurring on the motion by Mr. Coombes, that the House recess to 8 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—65

Atchison.	Kayton.
Baker.	Kyle of Hays.
Barrett.	Kyle of Palo Pinto.
Barron.	Laird.
Bedford.	Latham.
Bradley.	Lemens.
Calvert.	Leonard.
Camp.	Magee.
Cathey.	McCullough.
Clayton.	McKee.
Colson.	Munson.
Coombes.	Parkhouse.
Dean.	Pavlica.
Duvall.	Pope.
Engelhard.	Ray.
Fain.	Reed of Dallas.
Fuchs.	Rogers of Hunt.
Golson.	Rollins.
Good.	Savage.
Goodman.	Scarborough.
Griffith.	Shults.
Hankamer.	Smith.
Harman.	Stinson.
Hartzog.	Stovall.
Hicks.	Townsend.
Hill.	Turlington.
Hodges.	Van Zandt.
Holloway.	Vaughan.
Hoskins.	Venable.
Hunter.	Weinert.
James.	Wells.
Jones of Atascosa.	Wood.
Jones of Shelby.	

## Nays—69

Aikin.	Daniel.
Alexander.	Davidson.
Alsup.	Dunlap.
Anderson.	Dunagan.
Beck.	Dwyer.
Bergman.	Fisher.
Bourne.	Glass.
Burns.	Graves.
Butler.	Greathouse.
Canon.	Harris.
Celaya.	Harrison.
Chastain.	Head.
Crossley.	Holekamp.

Holland.	Ramsey.
Huddleston.	Ratliff.
Hunt.	Reader.
Hyder.	Reed of Bowie.
Jackson.	Renfro.
Jefferson.	Riddle.
Johnson	Roark.
of Anderson.	Roberts.
Jones of Runnels.	Rogers
Lange.	of Ochiltree.
Lindsey.	Scott.
Long.	Shannon.
Lotief.	Stanfield.
Mackay.	Steward.
Mathis.	Stubbeman.
McGregor.	Tarwater.
Merritt.	Tennyson.
Mitcham.	Thomas.
Moffett.	Tillery.
Moore.	Wagstaff.
Morse.	Walker.
Patterson.	Winningham.
Puryear.	Young.

## Absent

Caven.	Metcalf.
Cowley.	Morrison.
Devall.	Nicholson.
Ford.	Palmer.
Hughes.	

## Absent—Excused

Adamson.	McDougald.
Hester.	Russell.
Johnson	
of Dimmit.	

Question recurring on the motion by Mr. Lindsey, that the House recess to 10 o'clock a. m., tomorrow, it prevailed.

The House, accordingly, at 5:25 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

## APPENDIX

## REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 69, A bill to be entitled "An Act amending Section 1, of Chapter 216, Acts of Regular Session, Forty-third Legislature, and Section 1, Chapter 220, Acts of Reg-

ular Session, Forty-third Legislature, defining the fund and restoring the amount of the compensation of the county commissioners and the county judge to be paid in counties having a population of not less than 34,600, nor more than 34,800; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

## REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 7, "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid before March 15, 1935; provided said taxes are paid on or after March 15, 1935, and before April 1, 1935, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid on or after April 1, 1935, and before May 1, 1935, with an addition of three per cent (3%) on said taxes; provided said taxes are paid on or after May 1, 1935, and before June 1, 1935, with an addition of four per cent (4%) on said taxes; provided said taxes are paid on or after June 1, 1935, and before July 1, 1935, with an addition of five per cent (5%) on said taxes; provided said taxes are paid on or after July 1, 1935, with an addition of eight per cent (8%) penalty on said taxes, and six per cent (6%) per annum interest on said taxes, on and from July 1, 1935, until paid; providing for penalties; and provided that cities, towns, villages, special school districts and independent school districts are excepted from the provisions of this Act after March 15, 1935, on certain conditions; providing that anyone desiring to pay at one time all delinquent taxes for any one (1) year or more,

may so pay without paying other delinquent taxes on the same; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing for filing and prosecuting suits and the release of costs; providing that if any section, clause, sentence, paragraph or part of the Act be adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 9, "An Act for procuring Federal and other funds to provide work for the relief of indigent and unemployed persons of Texas; authorizing the State Highway Commission to construct a free bridge and approaches thereto across the Neches River between Jefferson and Orange Counties in the State of Texas, on State Highway No. 87, with the channel span thereof having a vertical clearance of one hundred and seventy-six (176) feet above mean low water for a distance of four hundred (400) feet in the center of the span, and a horizontal clearance of not less than six hundred (600) feet between fenders of piers with a vertical clearance of not less than one hundred and forty (140) feet at the piers; such bridge may be constructed by the State Highway Commission from funds granted by the Federal Emergency Administration of Public Works; from funds granted or furnished by any other Federal agency or agencies; from proceeds of a bond issue of seven hundred and fifty thousand dollars (\$750,000), authorized to be voted and issued by Jefferson County for that purpose under the provisions of this Act; from funds which may be contributed by the State Highway Commission from the State Highway Fund, or from either, any, or all of such sources; providing however, that it shall not be mandatory upon the State Highway Commission to contribute such State Highway Funds; and authorizing the

State Highway Commission, in its discretion, to make its own contribution from State Highway Funds and to accept such Federal grant and such contribution from the County of Jefferson and apply same to the construction of such bridge and approaches thereto; providing the county commissioners court of Jefferson County may, and upon the petition of not less than two hundred (200) qualified taxpaying voters of said county, shall order an election within said county to determine whether the bonds of said county shall be issued in the sum of seven hundred and fifty thousand dollars (\$750,000), the proceeds of which bond issue, less certain expenses, shall be contributed to the State Highway Commission for the construction of such bridge; such bonds to bear interest at the rate of not exceeding five per cent (5%) per annum, and to mature not later than thirty (30) years from their date, and to be issued in such denominations and payable at such time or times as deemed most expedient by said commissioners court; and providing for levy and collection of sufficient annual tax to pay the annual interest and provide a sinking fund for payment of said bonds at maturity; such bonds to be voted and issued under the provisions of Chapters 1 and 2, of Title 22, Revised Civil Statutes of 1925, except as herein otherwise provided; authorizing the State Highway Commission and the Commissioners Court of Jefferson County, either or both, to take application or to amend or substitute an application for any pending application to any agency or agencies of the United States Government for a loan in the amount of said county bond issue and for a grant in such additional amount as may be permitted by law, and to sell or pledge, either or both, and deliver such county bonds to said Federal agency or agencies for the amount of such loan, and to enter into and execute any and all contracts and agreements with such agency or agencies in reference thereto and to use the proceeds of such county bonds and such grant, either or both, for the construction of said bridge, provided additional moneys sufficient to complete such bridge and its approaches are contributed by the State Highway Commission; authorizing the sale of said bonds to any other person, firm, or corporation if not sold or pledged to such Federal

agency or agencies; providing such bond issue of Jefferson County and the proceeds thereof shall be used for no other purpose than toward the construction of such bridge; providing that no loan or grant shall be a debt against the State of Texas or against the State Highway Commission, and such bond issue shall constitute the debt and obligation solely of Jefferson County; and declaring legislative intent that such bonds issued by Jefferson County shall not be assumed by or paid off by the Board of County and Road District Bond Indebtedness; authorizing the State Highway Commission to design, supervise and construct such bridge and approaches, or to contract therefor; such bridge and approaches to be the property of the State; making the funds allotted and contributed for such bridge a special fund to be used for no other purpose; providing if any part of this Act is unconstitutional the remaining parts shall, nevertheless, remain effective; providing that unless such bond election is called within forty-five (45) days from the effective date of this Act, or unless such bond election, so called, shall carry, or unless the actual construction of such bridge is commenced by March 1, 1937, the authority granted by this Act shall not thereafter be exercised; repealing all laws and parts of laws, general, local, and special, in conflict with the provisions of this Act to the extent of such conflict, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 3, Granting Fred B. Hills and Miss Lottie Hills permission to bring suit joining Jefferson County as a defendant with the American Elevator Company, Richards-Wilcox Manufacturing Company and Hunter Hays Company,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, November 8, 1934.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 68, "An Act appropriating the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, out of any moneys in the State Treasury, not otherwise appropriated, to pay the mileage and per diem of Members, and to pay the salaries and per diem of officers and employes of the Fourth Called Session of the Forty-third Legislature of the State of Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

In Memory of  
**Clay Russell, Jr.**

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Mr. Roark offered the following resolution:

Whereas, The Supreme Ruler of our destinies has seen fit to call from this life Clay Russell, Jr., young brother of our fellow Member, the Hon. Traylor Russell; and it is with deep regret that we learn of the untimely passing of this young man while he was yet in his tender years; therefore, be it

Resolved, That we deeply regret his early passing, and that we offer our sincere sympathy and condolence to our fellow Member, Hon. Traylor Russell, and his bereaved family, and that when the House adjourns today, it be in honor of the brother of our friend; be it further

Resolved, That a suitable floral offering be sent to the family, and that copies of this resolution be furnished by the Chief Clerk to the bereaved ones.

ROARK,  
HOLLOWAY,  
HYDER,  
CANON,  
AIKIN.

The resolution was read second time.

On motion of Mr. Canon, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Alexander, Alsup, Anderson, Atchison, Baker, Barrett, Barron, Beck, Bedford, Bergman, Bourne, Bradley, Burns, Butler, Calvert, Camp, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill, Hodges, Holekamp, Holland, Hoskins, Huddleston, Hughes, Hunt, Hunter, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Lange, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roark, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Stubbeman, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was unanimously adopted.